

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENTRELL D. WELCH,

Plaintiff

Case No. 2:19-cv-01241-RFB-BNW

ORDER

v.

JAMES DZURENDA, et al.,

Defendants

I. DISCUSSION

Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections (“NDOC”), has filed a civil rights complaint, as well as two “declarations.” (ECF Nos. 1-1, 1-1, 5, 6.) It is not clear what the purpose of the declarations is, but it appears that Plaintiff is attempting to add allegations to his complaint. The Court will not piecemeal Plaintiff’s complaint together from multiple filings. Plaintiff’s operative complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. As such, the Court grants Plaintiff leave to file a fully complete first amended complaint within 30 days. If Plaintiff does not file a fully complete amended complaint, the court will only screen his initial complaint (ECF No. 1-1) and will not consider any allegations in Plaintiff’s additional filings.

If Plaintiff chooses to file a first amended complaint, he is advised that a first amended complaint supersedes (replaces) the original complaint, and, thus, the first amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s first amended complaint must contain all claims, defendants, and factual allegations that

1 Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the first amended
2 complaint on this Court's approved prisoner civil rights form, and it must be entitled "First
3 Amended Complaint."

4 **II. CONCLUSION**

5 For the foregoing reasons, IT IS ORDERED that Plaintiff is granted leave to file a
6 single complete first amended complaint. If Plaintiff chooses to file a first amended
7 complaint, Plaintiff will file the first amended complaint within 30 days from the date of
8 entry of this order.

9 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
10 approved form for filing a § 1983 complaint, instructions for the same, and a copy of his
11 initial complaint, as well as his declarations (ECF Nos. 1-1, 5, 6). If Plaintiff chooses to
12 file a first amended complaint, he must use the approved form and he will write the words
13 "First Amended" above the words "Civil Rights Complaint" in the caption.

14 IT IS FURTHER ORDERED that, if Plaintiff does not timely file a first amended
15 complaint, the Court will screen the original complaint (ECF No. 1-1) only and will not
16 consider any allegations in Plaintiff's declarations.

17 DATED April 6, 2021.

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19 UNITED STATES MAGISTRATE JUDGE